

Introduced by

1 A BILL for an Act

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**3 **SECTION 1. AMENDMENT.** Section 19-14-01 of the North Dakota Century Code is
4 amended and reenacted as follows:5 **~~19-14-014.1-53-01.~~ Definitions.**

6 As used in this chapter:

- 7 1. "Commissioner" means the agriculture commissioner.
- 8 2. "Livestock medicine" ~~includes~~means all devices, remedies, cures, tonics, powders,
9 proprietary medicines, type A medicated articles, and similar preparations for the
10 treatment or prevention of any disease of livestock, poultry, or other domestic animals
11 which are administered internally for their stimulating, invigorating, curative, or other
12 than nutritive powers, and also all powders, sprays, dips, and other preparations for
13 external use in the curing of ~~seab~~scabs or the eradication of ticks, lice, and other mites
14 and parasites on livestock, poultry, or other domestic animals. The term does not
15 include medicines ~~which~~that are manufactured, sold, or recommended primarily for
16 human use.
- 17 3. "Type A medicated article" ~~includes~~means a product with standardized potency
18 containing one or more new animal drugs intended for use in the manufacture of
19 another medicated article or a medicated feed.

20 **SECTION 2. AMENDMENT.** Section 19-14-02 of the North Dakota Century Code is
21 amended and reenacted as follows:22 **~~19-14-024.1-53-02.~~ Registration of livestock medicine.**23 The commissioner shall register any livestock medicine that does not violate this chapter,
24 upon the completion of an application ~~of~~by the manufacturer or distributor of the livestock

1 medicine and the payment of the registration fee prescribed in section 19-14-04, shall register
2 any livestock medicine that does not violate this chapter 4.1-53-04. Registration
3 covers Registration of livestock medicine is valid for a two-year period beginning July first and
4 ending June thirtieth of every even-numbered year unless it is canceled sooner by the
5 commissioner because a change is made in the ingredients or formula of manufacture the
6 livestock medicine or in the name, brand, or trademark under which the medicine is sold. In the
7 event of any change, the medicine must once again be registered ~~anew in the same manner as~~
8 ~~upon~~ through an original application with the commissioner.

9 The certificate of registration must include a disclosure of the name and quantity or
10 proportion of each active ingredient and the names of the inert ingredients or fillers.

11 **SECTION 3. AMENDMENT.** Section 19-14-03 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **19-14-034.1-53-03. Regulations for sale.**

14 ~~No~~A person may not sell, offer, ~~or for sale,~~ expose for sale, ~~have in possession or possess~~
15 with the intent to sell, any livestock medicine:

- 16 1. Which is sold under a name, brand, trademark, or labeling ~~which that~~ is misleading,
17 deceptive, ~~or~~ false, or ~~which is~~ dangerous to animals under the conditions of use
18 prescribed in the labeling or advertising ~~thereof~~;
- 19 2. Which purports to cure any infectious disease of domestic animals for which no
20 genuine cure is known;
- 21 3. Which has not been registered by the commissioner for sale in this state. ~~The~~
22 ~~certificate of registration must include a disclosure of the name and quantity or~~
23 ~~proportion of each active ingredient and the names of the inert ingredients or fillers~~;
- 24 4. Which does not have printed or written upon the label of each package sold at retail, in
25 type not less than one-fourth the size of the largest type on the package:
 - 26 a. The common name, in English, of all active ingredients in the order of their
27 predominance in the product;
 - 28 b. A statement of the actual percentage or relative amounts of each ingredient
29 active and inert. ~~In the case of certain products (such as coated medicinal~~
30 ~~tablets), it may be impractical to state the quantity or proportion of inert~~

1 ~~ingredients and, unless exemptions must beare~~ established by rules adopted by
2 the commissioner;

3 c. The net contents, by weight, measure, or numerical count of the package;

4 d. The name and principal address of the manufacturer or person responsible for
5 placing the livestock medicine on the market; and

6 e. Complete and explicit directions for use of the medicine.

7 5. When the contents of the package as originally manufactured have been removed in
8 whole or in part, and other contents have been placed in ~~such~~the package.

9 **SECTION 4. AMENDMENT.** Section 19-14-04 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **19-14-044.1-53-04. Registration fee.**

12 ~~Prior~~A registration fee of forty dollars must be paid to the agriculture commissioner for each
13 livestock medicine that is registered prior to each two-year registration ending June thirtieth of
14 every even-numbered year, a registration fee of forty dollars must be paid to the agriculture-
15 commissioner for each livestock medicine that is registered. A person submitting anAn
16 application for registration which is received by the commissioner after July thirty-first of thatthe
17 year in which the application is due shall paybe assessed an additional late registration fee of
18 ten dollars.

19 **SECTION 5. AMENDMENT.** Section 19-14-05 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **19-14-054.1-53-05. Commissioner may cancel registration.**

22 The commissioner may cancel the registration of any livestock medicine that is sold
23 subsequent to its registration in violation of this chapter. ~~The commissioner may cancel the-~~
24 ~~registration whenever a change is made in the ingredients or formula of the manufacture or in-~~
25 ~~the name, brand, or trademark under which the medicine is sold, unless the medicine has been-~~
26 ~~reregistered.~~

27 **SECTION 6. AMENDMENT.** Section 19-14-06 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **~~19-14-064.1-53-06.~~ Commissioner may adopt rules, take testimony, grant public**
2 **hearings.**

3 The commissioner may adopt rules, pursuant to chapter 28-32, governing applications for
4 registration, the submission of samples for analysis, and all other matters necessary to give
5 effect to this chapter. The commissioner may take expert and other testimony whenever the
6 commissioner deems testimony advisable and, upon request, shall grant a public hearing prior
7 to the cancellation of a registration and also to any manufacturer or distributor whose request
8 for registration of any livestock medicine has been denied.

9 **SECTION 7. AMENDMENT.** Section 19-14-07 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **~~19-14-074.1-53-07.~~ Enforcement of chapter.**

12 The commissioner shall enforce this chapter ~~by~~through inspection, chemical analysis, and
13 any other appropriate method. All samples for analysis must be taken from stocks held within,
14 or intended for sale in, this state. The commissioner may require any manufacturer or distributor
15 applying for registration of a livestock medicine to supply samples of the medicine for analysis.
16 The commissioner may institute ~~such~~any action at law or in equity as may appear necessary to
17 enforce compliance with the provisions of this chapter, and in addition to any other remedy, may
18 apply to the district court for relief by injunction, mandamus, or any other appropriate remedy in
19 equity. In such actions, the commissioner is not required to give or post bond in any action to
20 which the commissioner is a party whether upon appeal or otherwise.

21 **SECTION 8. AMENDMENT.** Section 19-14-08 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **~~19-14-084.1-53-08.~~ Penalty - Criminal - Civil.**

24 ~~Any~~It is a class B misdemeanor for any person who violates to willfully violate any of the
25 provisions of this chapter or any rule adopted pursuant to this chapter, or who willfully and
26 falsely represents that any livestock medicine is registered for sale in this state ~~when in fact it is~~
27 ~~not so registered, is guilty of a class B misdemeanor. In addition to the criminal penalty provided~~
28 ~~in this section~~Additionally, a person who violates a provision of this chapter or a rule adopted
29 pursuant to this chapter is subject to a civil penalty not to exceed five hundred dollars per
30 violation. Each day of noncompliance constitutes a separate violation for purposes of penalty

- 1 assessments. The civil penalty may be imposed by a court in a civil proceeding or by the
- 2 agriculture commissioner through an administrative hearing pursuant to chapter 28-32.